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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,990	03/12/2004	Vijay Deshmukh	5693P043	6882
48102 7590 04/04/2007 NETWORK APPLIANCE/BLAKELY 12400 WILSHIRE BLVD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER WU, YICUN	
			ART UNIT 2165	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 04/04/2007	DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,990	<b>Applicant(s)</b> DESHMUKH ET AL.	
	<b>Examiner</b> Yicun Wu	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 1/8/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/8/07 10/23/06

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

*[Signature]*  
Patent Examiner  
Technology Center  
2107

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DETAILED ACTION

1. Claims 1-13 and 16-28 are presented for examination.

**Response to Applicant' Remarks**

2. In response to Applicants Amendments and remarks, Claim Rejections under 35 USC § 112 are hereby withdrawn. Double Patenting rejection will be withdrawn upon completion of the Terminal disclosure process.

Applicant's arguments presented in the reply to previous office action filed on 10/2/2006, with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds of rejection.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,5,9,10,12,13,17-20 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao (US Patent No. 5,313,631).

) in view of Kita et al. (U.S. Patent No. 6,430,611 hereinafter referred Kita).

As to claims 1,9,17-20, 22-24 and 27-28, Kao teaches a method for collecting information from a storage server comprising:

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Scanning the storage server and collecting information regarding files stored by the storage server, (FIGA; FIG.2; abstract; col 1, lines 66-67; col 2, lines 1-25, lines 49-50; col 4, lines 1-67); and

summarizing the information and creating a summary by using the agent, and storing the summary on a database server (FIG. 1; FIG.2; abstract; col 1, lines 66-67; col 2, lines 1-25, lines 49-50; col 4, lines 1-67).

Kao does not explicitly teach by an agent that is a separate device from the storage server.

Kita teach by an agent that is a separate device from the storage server (fig. 3 and abstract)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Kao to include by an agent that is a separate device from the storage server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Kao by the teaching of Kita to include by an agent that is a separate device from the storage server with the motivation to effectively manage storage resources as taught by Kita (col. 1, lines 45-53).

As to claims 2,10,18 and 25, Kao as modified teaches analyzing the files and generating statistics regarding the files (FIG. 1; FIG.2; abstract; col. 1, lines 66-67; col. 2, lines 1-25, lines 49-50; col. 4, lines 1-67).

As to claims 4, 12 and 26, Kao as modified teaches wherein the statistics comprise a number of files, a size of files, and an average access time of files (FIG. 1; FIG. 2; abstract; col. 1, lines 66-67; col. 2, lines 1-25, lines 49-50; col. 4, lines 1-67).

As to claims 5 and 13, Kao as modified teaches transferring the summary to a multi-appliance management application (MMA) before storing the summary on the database Server (FIG. 1-2; abstract; col. 1, lines 66-67; col. 2, lines 1-25, lines 49-50; col. 4, lines 1-67).

4. Claims 3, 6, 7, 11, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao and Kita further in view of Horn (US Patent Publication No. 2005/0050269). The teachings of Kao as modified have been discussed above.

As to claim 3, 6, 7, 11, 21 and 28, Kao as modified teaches analyzing files and generating file statistics data in a database/table (FIG. 1; FIG. 2; abstract; col. 1, lines 66-67; col. 2, lines 1-25, lines 49-50; col. 4, lines 1-67).

Kao as modified does not explicitly teach generating histogram from the collected information/statistics for visualization.

Horn teaches generating histogram from the collected information/statistics for visualization (paragraph [0011]). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kao as modified with the teachings of Horn to include generating histogram from the collected information/statistics for

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visualization with the motivation to organize storage system data in real time (Horn, paragraph [0010] ).

5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao as modified in view of Dave Marshall, Threads: Basic Theory and Libraries, may 1999, pages 232 and hereinafter referred to as Marshall.

As to claims 8 and 16, Kao as modified teaches using a thread (i.e. a lightweight process) to collect file system (file system includes files/directories and in some operating systems all files, directories are considered files) information (FIG. 1; FIG.2; abstract; col. 1, lines 6667; col. 2, lines 1-25, lines 49-50; col. 4, lines 1-67).

Kao as modified does not teach using multiple threads.

Marshall teaches multiple threads (page 4).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Kao as modified with the teachings of Marshall to include using multiple threads with the motivation to use fewer system resources, improve program structure and also improve application responsiveness (Marshall, page 4).

**Conclusion**

6. **THIS ACTION IS MADE FINAL**, Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, *THIS ACTION IS MADE FINAL*. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory- period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply-expire later than SIX MONTHS from the mailing date of this final action.

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**Points of contact**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 571-272-4087. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Yicun Wu  
Patent Examiner  
Technology Center 2100



March 29, 2007